REMARKS

Upon entry of this paper, claims 1 and 6 have been amended, no claims have been canceled, and no claims have been added as new claims. Thus, claims 1-7 are presently pending in this application. No new matter has been added.

Applicant gratefully thanks the examiner for the indication of allowability of claims 1-5 for the reasons noted in the Office Action. However, applicant respectfully submits that all claims pending in the present application are allowable as described herein.

Claim Objections

Claims 1 and 6 were objected to for various informalities as stated in the Office Action. Claims 1 and 6 have been amended upon entry of this Response to correct the informalities identified. Accordingly, Applicant respectfully requests withdrawal of these claim objections.

Rejections Under 35 USC § 102

Claims 6 and 7

Claims 6 and 7 were rejected under 35 USC § 102(b) as being anticipated by US Patent No. 4,373,132 to Vartanian (Vartanian '132). This anticipatory rejection is respectfully traversed in view of the following comments.

In the Office Action, the Examiner states that "Applicant sole (sic) argues the merits of claim 1 in their remarks and does not deal with claim 6. The language the applicant points out in claim 1 is not in claim 6 and thus these arguments are not at all persuasive." *See* OA, paragraph 7.

Applicant respectfully disagrees with the Examiner's characterization of the arguments presented in Applicant's prior Response. Applicant's remarks clearly indicated that Vartanian fails to disclose a ***conveying channel***, ***heating devices*** for the channel, and a ***moveable slide***. Specifically, Applicant did provide direct quotations of language from claim 1. However, the entire set of remarks provided by Applicant relating to the rejection came under the opening

recitation that "*Claims 1-7* were rejected" for lack of novelty. As such, all remarks relating to the rejection were addressing the application of the rejection to all claims 1-7. Applicant in no way limited the interpretation of the remarks to be viewed only in light of claim 1.

In addition, Applicant provided remarks generally directed to elements missing from Vartanian that are in all of the pending claims (including claim 1 and claim 6), such as, "[t]here is no discussion of a *slide or other mechanism in the nozzle of Vartanian* that is able to move material", and "[i]n addition to other claimed elements, there is no discussion whatsoever in Vartanian of a material conveying mechanism in the heated device. As such, Vartanian *does not teach each and every element of the claimed invention* performing the identical function in the same way, and *cannot therefore anticipate the pending claimed invention.*" *See* Amendment Filed January 27, 2005. Accordingly, Applicant clearly provided remarks concerning major elements not found in Vartanian, but required by Applicant's pending claims 1-7, not just claim 1.

In the time since Applicant's initial remarks, claims 1-5 have been indicated as allowed over the cited references. A statement of reasons for the indication of allowable subject matter was also provided. In the statement, it states that, "prior art fails to teach or suggest a device as detailed in claim 1 where there is a ***conveying channel***; ***heating devices*** for the channel; and a ***moveable slide*** which conveys the material in the form of a sliding sleeve and a closing sleeve which is positioned between an inner tube and an external tube. (emphasis added)" *See* OA, paragraph 9.

Applicant agrees with the Office Action that there is no disclosure, teaching, or suggestion in the prior art for a device where there is a ***conveying channel***, ***heating devices*** for the channel, and a ***moveable slide***. However, it is unclear why the rejection is being maintained for claims 6 and 7, given the allowability of claims 1-5 based on their inclusion of the above-identified elements.

Applicant maintains that there are no moving parts in Vartanian, and certainly no moveable slides. Specifically, claim 6 is directed to a, "[m]ethod for melting and conveying a material, comprising the steps of introducing the material through an admission opening into a

conveying channel, discharging the material . . . , moving the material from the admission opening to the discharge opening with a ***slide***, and heating the material when disposed in the conveying channel by one or more ***heating devices*** . . . (emphasis added)" *See* claim 6. Each of the elements listed in the reason for allowance exists in claim 1 and claim 6. As such, Applicant respectfully submits that claims 6 and 7 are also allowable for the reasons indicated in the Office Action.

Applicant attempted to contact the Examiner and the Examiner's SPE on July 19, 2005 to discuss the above issue but was unsuccessful in reaching either individual because both indicated in their recorded messages that they will be out of the office until after the two-month deadline of July 21, 2005. Applicant instead discussed the above issue with a substitute SPE (Curtis M.) who indicated he would contact the Examiner and urge the Examiner to contact Applicant via phone prior to July 21, 2005. As of the submission of this Response, Applicant has not received any calls from the Examiner or the Examiner's SPE. As such, in order to avoid missing the two-month expedited procedure deadline, Applicant was forced to submit the present Response.

It is important for an Examiner to properly communicate the basis for a rejection so that the issues can be identified early and the applicant can be given fair opportunity to reply. *See* MPEP § 706.02(j). For the above noted reasons, Applicant submits that the issue as to why claims 6 and 7 are being maintained is not clear. In addition, neither the Examiner, nor the Examiner's SPE were available for the week prior to the two-month response deadline. Thus, Applicant has not been provided with a fair opportunity to reply because of the above-noted ambiguities and the unavailability of the Examiner to discuss the ambiguities with the Applicant. As such, Applicant respectfully requests that upon review of this Response the Examiner telephone Applicant's below signed representative to discuss the above issue and hopefully arrive at a quick resolution with allowable subject matter.

CONCLUSION

In view of the foregoing, it is respectfully submitted that this application is now in condition for allowance. Applicant courteously solicits allowance of the claims in the form of a Notice of Allowance. Should there be any outstanding issues of patentability following the entry of this response, a telephone interview is respectfully requested to resolve such issues.

Applicant believes no fee is due with this statement. However, if a fee is due, please charge our Deposit Account No. 12-0080, under Order No. HHI-040US from which the undersigned is authorized to draw.

Dated: July 21, 2005

Respectfully submitted,

By _____

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